



**STATE OF NEVADA**

**BEFORE THE NEVADA COMMISSION ON ETHICS**

In the Matter of the Request for Opinion  
Concerning the Conduct of BONNIE DUKE,  
Former Finance Director, City of Fernley,  
State of Nevada,

**Request for  
Opinion No. 09-12C**

Subject.

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**NOTICE OF HEARING  
and  
PANEL DETERMINATION**  
NRS 281A.440(3),(8) and NAC 281A.450

**NOTICE OF HEARING**

PLEASE TAKE NOTICE, that a hearing has been set to consider the allegations listed below against Bonnie Duke (Duke) in accordance with Chapters 233B and 281A of the Nevada Revised Statutes and Chapter 281A of the Nevada Administrative Code.

The purpose of the hearing is to determine whether a violation of the Nevada Ethics in Government Law occurred. Further, if a violation is found, whether such violation is willful and whether any penalties will be imposed by the Commission, pursuant to NRS 281A.480.

**THE HEARING WILL TAKE PLACE:**

**August 14, 2009 beginning at 9:00 a.m., or as soon thereafter as the  
Commission is able to hear the matter, at the following location:**

**Nevada Legislative Building  
401 S. Carson Street  
Room No. 3143  
Carson City, NV.**

Duke must be present when this matter is called. If Duke is not present when this hearing is called, the Commission may consider as true the alleged violations specified in the Panel Determination below. Please direct any hearing scheduling matters to Patricia D. Cafferata, Executive Director, Esq., (775) 687-5469, ext. 222.

The hearing is open to the public under Nevada's Open Meeting Law. A record will be made by a certified court reporter. Duke has the right to appear, be represented by legal counsel, hear evidence presented, respond, and present evidence on her behalf.

Duke has the right to request that the Commission issue subpoenas on her behalf to compel witnesses to testify and/or produce evidence. In making this request, she may be required to demonstrate the relevance of the witness' testimony and/or evidence. Other rights are found in NRS 281A, NRS 233B, and NAC 281A. A finding by the Commission of a violation of NRS 281A must be supported by a preponderance of the evidence.

## **PANEL DETERMINATION**

### **Facts and Jurisdiction**

An Ethics Complaint was filed against Duke alleging violations of NRS 281A.400(2) when she used a City of Fernley credit card (credit card) to benefit herself, as described more fully below.

During the course of the investigation, additional facts and issues relating to alleged violations of NRS 281A.400(2) were discovered by the Investigator. Two separate Notices of Additional Issues and Facts were mailed to Duke and her legal counsel Brent Kolvet, Esq., on March 25, 2009. These notices alleged two additional violations of NRS 281A.400(2) when Duke used a city credit card to benefit herself, as described more fully below.

In her public capacity, at the time of the alleged conduct, Duke was the Finance Director for the City of Fernley (Fernley), a public officer as defined in NRS 281A.160. Additionally, the allegations pertain to NRS 281A (Ethics in Government Law). Therefore, the Commission has jurisdiction over this matter.

### **Panel Proceeding**

On May 7, 2009, pursuant to NRS 281A.440(3), a Panel consisting of Commissioners Erik Beyer and Jim Shaw reviewed the following: Ethics Complaint; Duke's response to the Complaint; Investigator's Report; the Executive Director's Recommendation, the evidence collected and Duke's response to questions from the Panel members.

The following is the Panel's unanimous findings:

- 1.) Just and sufficient cause exists for the Commission to hold a hearing and render an opinion on whether Bonnie Duke violated NRS 281A.400(2), on or about July 28, 2008, when she charged \$63 on the credit card for an activity related to a Utah CPA license.

Therefore, this alleged violation is referred to the Commission for a hearing to render an opinion.

- 2.) Just and sufficient cause exists for the Commission to hold a hearing and render an opinion on whether Bonnie Duke violated NRS 281A.400(2) on or about May 6, 2008, when she charged \$105 on the credit card for membership in the Utah CPA Association.

Therefore, this alleged violation is referred to the Commission for a hearing to render an opinion.

- 3.) Just and sufficient cause exists for the Commission to hold a hearing and render an opinion on whether Bonnie Duke violated NRS 281A.400(2), on May 16, 2007, when she charged \$100 on the credit card for membership in the Utah CPA Association.

Therefore, this alleged violation is referred to the Commission for a hearing to render an opinion.

- 4.) Just and sufficient cause exists for the Commission to hold a hearing and render an opinion on whether Bonnie Duke violated NRS 281A.400(2), on or about July 17, 2007, when she charged \$309 on the credit card for membership in the American Institute of Public Accountants.

Therefore, this alleged violation is referred to the Commission for a hearing to render an opinion.

- 5.) Just and sufficient cause does not exist for the Commission to hold a hearing and render an opinion on whether Bonnie Duke violated NRS 281A.400(2), on or about October 28, 2007, when she charged \$14.19 on the credit card for gas in Salt Lake City, Utah.

Therefore, this alleged violation is dismissed.

- 6.) Just and sufficient cause does not exist for the Commission to hold a hearing and render an opinion on whether Bonnie Duke violated NRS 281A.400(2), on or about October 27, 2007, when she charged \$942.15 on the credit card for meals and lodging in Salt Lake City, Utah.

Therefore, this alleged violation is dismissed.

- 7.) Just and sufficient cause does not exist for the Commission to hold a hearing and render an opinion on whether Bonnie Duke violated NRS 281A.400(2), on or about August 17, 2007, when she charged \$346.60 on the credit card for airfare to Salt Lake City, Utah.

Therefore, this alleged violation is dismissed.

- 8.) Just and sufficient cause does not exist for the Commission to hold a hearing and render an opinion on whether Bonnie Duke violated NRS 281A.400(2), on or about March 20, 2008, when she charged \$973 on the credit card for computer software.

Therefore, this alleged violation is dismissed.

- 9.) Just and sufficient cause does not exist for the Commission to hold a hearing and render an opinion on whether Bonnie Duke violated NRS 281A.400(2), on or about May 7, 2007, when she charged \$2,000 on the credit card for office furniture.

Therefore, this alleged violation is dismissed.

The Request for Opinion is, therefore, REFERRED TO THE NEVADA COMMISSION ON ETHICS for hearing to render an opinion on the first, second, third and fourth allegations as described above and whether Duke used her position to secure unwarranted privileges or advantages for herself in violation of NRS 281A.400(2).

The fifth, sixth, seventh, eighth, and ninth allegations as described above are dismissed.

The investigation materials that the panel relied upon for reaching its conclusion was provided to Brent Kolvet, Esq., Babcock's attorney, at the end of the panel proceeding.

Dated: May 13, 2009

Erik Beyer

Erik Beyer, Commissioner  
Panel Member

Dated: May 13, 2009

James M. Shaw

Jim Shaw, Commissioner  
Panel Member

### CERTIFICATE OF MAILING

I certify that I am an employee of the Nevada Commission on Ethics and that on this 14<sup>th</sup> day of May, 2009, in Carson City, Nevada, I placed a true and correct copy of the **NOTICE OF HEARING AND PANEL DETERMINATION ON RFO No. 09-12C** in an envelope and caused same to be mailed via certified U.S. MAIL through the State of Nevada Mailroom to Duke and via Reno Carson Messenger to her counsel at the following addresses:

Bonnie Duke  
255 Spear Court  
Fernley, NV 89408

**Cert No. 7008 0150 0002 6137 4662**

Brent T. Kolvet, Esq.  
Thorndal, Armstrong, Delk, Balkenbush &  
Eisinger, P.C.  
6590 S. McCarran Blvd., Suite B  
Reno, NV 89509

DATED: 05/14/09



An employee, Nevada Commission on Ethics

### CERTIFICATE OF MAILING

I certify that I am an employee of the Nevada Commission on Ethics and that on this 15<sup>th</sup> day of May, 2009, in Carson City, Nevada, I placed a true and correct copy of the **NOTICE OF HEARING AND PANEL DETERMINATION ON RFO No. 09-12C** in an envelope and caused same to be mailed via certified U.S. MAIL through the State of Nevada Mailroom to the following address:

Sandra Mathewson, Complainant  
PO Box 2619  
Fernley, NV 89408

**Cert No. 7008 0150 0005 8442 3815**

DATED: 05/15/09

Margaret A. Ene  
An employee, Nevada Commission on Ethics